

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

RICHARD R. ANDERSON

v.

KOHL'S DEPARTMENT STORES, INC.

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Case No. 4:09-CV-283

Judge Schneider/Judge Mazzant

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On December 18, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment (Dkt. #25) and Plaintiff's Motion for Default Judgment, Corrected (Dkt. #29) should be denied and Defendant's Motion to Set Aside Entry of Default Judgment (Dkt. #27) should be granted.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Default Judgment (Dkt. #25) and Plaintiff's Motion for Default Judgment, Corrected (Dkt. #29) are DENIED and Defendant's Motion to Set Aside Entry of Default Judgment (Dkt. #27) is GRANTED and the Clerk's Default is vacated.

**IT IS SO ORDERED.**

**SIGNED this 11th day of January, 2010.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE